

REMARKS

Applicants have carefully reviewed the Application in light of the Office Action mailed August 24, 2004. At the time of the Office Action, Claims 1-33 were pending in the Application. Applicants amend Claims 1, 4-6, 16-19, 21-23, 26-27, 30, and 32 without prejudice or disclaimer and add Claims 34-40. Applicants' amendments and cancellations have been done to advance prosecution in this case and not to overcome prior art. Applicants respectfully request reconsideration of the pending claims and favorable action in this case.

In the Drawings

The Examiner objects to the drawings because a brief descriptive label is not provided for each numbered block. *Office Action*, p. 2. Applicants have provided a brief descriptive label to the figures as requested by the Examiner. In Figure 1, descriptive labels have been provided for stations 12a, 12b and transcoder 14. In Figure 2, descriptive labels have been provided for memory 52, network interface 54, program 56, table 58, and user interface 60. In Figure 4, descriptive labels have been provided for memory 82, network interface 84, program 86, and table 88. Accordingly, Applicants request reconsideration and acceptance of the drawings.

Claim Objections

The Examiner made numerous objections to the claims; specifically, identifying a number of typographical errors. Applicants have made various corrections to address the Examiner's concern and, thereby, to overcome the Examiner's objections.

Section 112 Rejection

The Examiner rejects Claims 16-22 under 35 U.S.C. §112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter that Applicants regard as the invention. Applicants have amended Claim 16 to address the Examiner's rejection. Accordingly, Applicants respectfully submit that Claim 16 is in accordance with 35 U.S.C. § 112, second paragraph. Therefore, Applicants request reconsideration and allowance of Claims 16-22.

Section 102 Rejection

The Examiner rejects Claims 1, 3, 8, 10, 16, 22-23, 25, and 30 under 35 U.S.C. §102(e), as being anticipated by U.S. Patent No. 6,304,574 issued to Schoo, et al. (hereinafter "*Schoo*"). Applicants respectfully request reconsideration of this rejection. "A claim is anticipated only if each and every element as set forth in the claim is found, either expressly or inherently described, in a single prior art reference." *Verdegaal Bros. v. Union Oil Co. of California*, 2 U.S.P.Q.2d 1051, 1053 (Fed. Cir. 1987); MPEP § 2131. In addition, "[t]he identical invention must be shown in as complete detail as is contained in the . . . claims" and "[t]he elements must be arranged as required by the claim." *Richardson v. Suzuki Motor Co.*, 9 U.S.P.Q.2d 1913, 1920 (Fed. Cir. 1989) (*emphasis added*); *In re Bond*, 15 U.S.P.Q.2d 1566 (Fed. Cir. 1990); MPEP § 2131. *Schoo* does not disclose, teach, or suggest, either expressly or inherently, each and every element of the claims.

Applicants respectfully submit that each of the limitations of amended Claim 1 is not disclosed, taught, or suggested by *Schoo*. For example, *Schoo* does not disclose, teach, or suggest "communicating protocol capabilities to the station in response to initiation of the call, wherein the protocol capabilities comprise the protocol capability of at least one remotely located transcoder" as recited in Claim 1. *Schoo* merely discloses that a digital signal processor (DSP) transcoding resource is a major resource in a high density modem to support Internet telephony. *Schoo*, c. 19, ll. 20-28. Even though *Schoo* discloses a DSP transcoding resource, the reference does not disclose, teach, or suggest any element that maintains "protocol capabilities compris[ing] the protocol capability of at least one remotely located transcoder." Additionally, *Schoo* does not disclose, teach, or suggest "initiating a transfer of the call to the transcoder to establish a first link between the station and the transcoder" as recited in Claim 1. *Schoo* merely describes the specifications of a DSP transcoding resource and fails to suggest any such transfer technique as recited in Claim 1. *Schoo*, c. 19, l. 66 to c. 20, l. 12. Furthermore, the method of Claim 1 includes "initiating establishment of a second link with the transcoder to enable media exchange with the station using the protocol capability of the transcoder." *Schoo* does not engage in this process to exchange media. *Schoo*, c.10, ll. 35-51. For at least these reasons, *Schoo* does not disclose, teach, or suggest each limitation of Applicants' Claim 1. Therefore, Applicants respectfully request reconsideration and allowance of independent Claim 1 together with its dependents.

Applicants respectfully submit that each of the limitations of Claim 8 is not disclosed, taught, or suggested by *Schoo*. For example, *Schoo* does not disclose, teach, or suggest “memory operable to store a protocol capability of at least one remotely located transcoder.” *Schoo* merely discloses the software architecture of a high density modem used in distributed processing of Point-to-Point Protocol and Serial Line Internet Protocol. *Schoo*, c. 18, ll. 27-43. Additionally, *Schoo* does not disclose, teach, or suggest a processor operable “to generate a second signal to initiate transfer of the call to the transcoder.” *Schoo* merely describes a transcoder and gives the specifications of the transcoder. *Schoo*, c. 19, l. 66 to c. 20, l. 12. For at least these reasons and those stated above with respect to Claim 1, *Schoo* does not disclose, teach, or suggest each limitation of Applicants’ Claim 8. Therefore, Applicants respectfully request reconsideration and allowance of independent Claim 8 together with its dependents.

Independent Claims 16, 23, and 30 recite certain limitations that, for reasons substantially similar to those discussed with reference to independent Claims 1 and 8, are not disclosed, taught, or suggested, either expressly or inherently, by *Schoo*. Therefore, Applicants respectfully request reconsideration and allowance of independent Claims 16, 23, and 30 together with their dependents.

Dependent Claims 3, 10, 22, and 25 that depend upon independent Claims 1, 8, 16, and 23, respectively are not anticipated by *Schoo* because they include limitations of their respective independent claims and add additional elements that further distinguish the cited reference. Accordingly, Applicants respectfully submit that Claims 3, 10, 22, and 25 are patentable in light of the cited reference, and respectfully request that the rejection of these claims be withdrawn.

Section 103 Rejections

The Examiner rejects Claims 2-5, 7, 9-13, 17-22, 24-27, 29, and 31-33 under 35 U.S.C. §103(a), as being unpatentable over *Schoo* in view of U.S. Patent No. 6,731,625 issued to Eastep, et al. (hereinafter “*Eastep*”). Applicants respectfully submit that the combination fails to disclose, teach, or suggest the limitations recited in Applicants’ claims.

First, Claims 2-5, 7, 9-13, 17-22, 24-27, 29, and 31-33 incorporate limitations of their respective independent claims, which Applicants have shown above to be allowable. For at

least this reason, Claims 2-5, 7, 9-13, 17-22, 24-27, 29, and 31-33 are allowable over the prior art.

Second, *Schoo* fails to disclose, teach, or suggest “initiating a transfer of the call to the transcoder” as recited in Claim 1 or a processor operable “to generate a second signal to initiate transfer of the call to the transcoder” as recited in Claim 8. These deficiencies are not cured by combining *Schoo* and *Eastep*. To the contrary, the combination merely discloses transmitting a call over a gateway to a network using a particular protocol. Accordingly, Applicants respectfully request reconsideration and allowance of Claims 2-5, 7, and 9-13 because they depend from Claims 1 or 8, which have been shown to be allowable.

Similarly, independent Claims 16, 23, and 30 incorporate limitations that *Schoo* fails to disclose, teach, or suggest similar to those discussed with reference to independent Claims 1 and 8. The combination of *Schoo* and *Eastep* falls short of disclosing, teaching, or suggesting each and every limitation recited in Applicants’ claims. Therefore, Applicants respectfully request reconsideration and allowance of Claims 17-22, 24-27, 29, and 31-33 because they depend from Claims 16, 23, and 30, which have been shown as allowable.

Allowable Subject Matter

Applicants note with appreciation the Examiner’s indication that Claims 6, 14, 15, and 28 would be allowable if rewritten in independent form including all of the features of the base claim and any intervening claims. *Office Action*, p. 16. Applicants have incorporated limitations of Claims 6, 14, 15, and 28 in independent form as new Claims 35, 36, 37, and 39, respectively.

As discussed above, Applicants believe that independent Claim 1 (from which Claim 6 depends), independent Claim 8 (from which Claims 14 and 15 depend), and independent Claim 23 (from which Claim 28 depends) are also allowable in their current form. Therefore, Applicants have kept Claims 6, 14, 15, and 28 in their dependent form. Applicants respectfully request reconsideration and allowance of all pending claims.

New Claims

Applicants add new Claims 34-40, which are fully supported by the specification of the present Application as originally filed. Claims 35, 36, 37, and 39 are Claims 6, 14, 15, and 28 rewritten in independent form. These claims are allowable for at least those reasons indicated by the Examiner.

Claim 34 includes “storing protocol capabilities in a plurality of entries in a memory, each entry corresponding to a remotely located transcoder and specifying an address of the transcoder and at least one protocol capability of the transcoder.” *Schoo* does not disclose, teach, or suggest this limitation. Claims 38 and 40 recite substantially similar limitations and are allowable for at least the same reason.

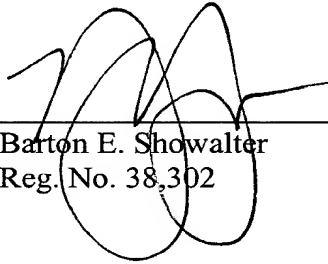
CONCLUSION

Applicants have now made an earnest attempt to place this case in condition for immediate allowance. For the foregoing reasons and for all other reasons clear and apparent, Applicants respectfully request reconsideration and allowance of the pending claims.

Applicants submit a check in the amount of \$654.00 to cover the fee for the additional claims. Although Applicants believe that no other fees are due, the Commissioner is hereby authorized to charge any additional fees or credit any overpayments to Deposit Account No. 02-0384 of Baker Botts L.L.P.

However, if this is not correct, the Commissioner is hereby authorized to charge any additional fees or credit any overpayments to Deposit Account No. 02-0384 of Baker Botts, L.L.P.

Respectfully submitted,
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Date: November 24, 2004

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AMENDMENTS TO THE DRAWINGS

The attached sheet of drawings includes changes to Figures 1, 2, and 4. Sheet 1, which includes Figures 1-3, replaces the original sheet including Figures 1-3. In Figure 1, descriptive labels have been provided for stations 12a, 12b and transcoder 14. In Figure 2, descriptive labels have been provided for memory 52, network interface 54, program 56, table 58, and user interface 60. Sheet 2, which includes Figures 4-5, replaces the original sheet including Figures 4-5. In Figure 4, descriptive labels have been provided for memory 82, network interface 84, program 86, and table 88.

Attachment: Replacement Sheet
Annotated Sheet Showing Changes

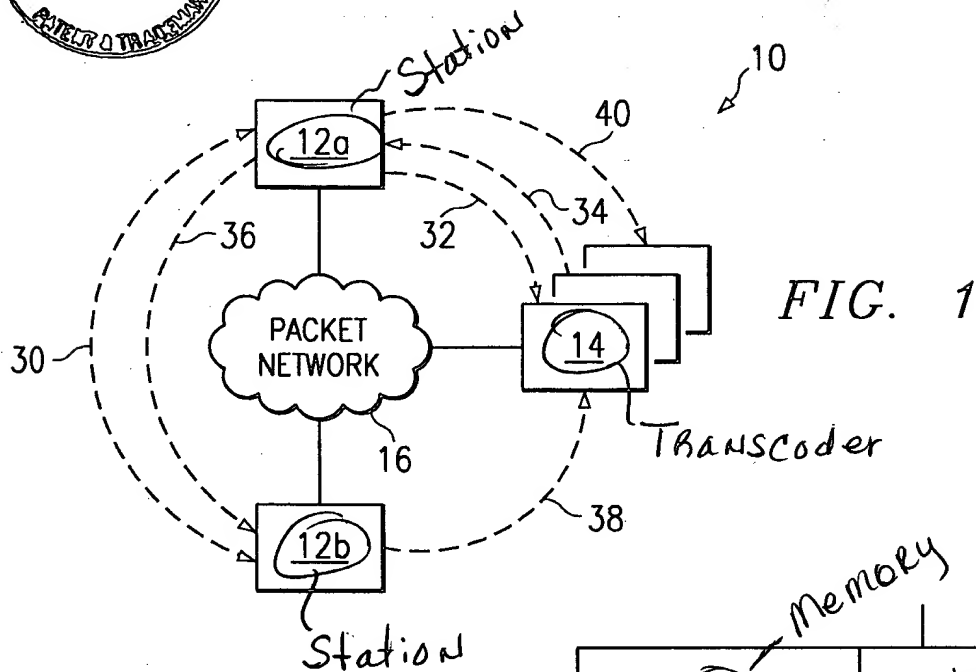
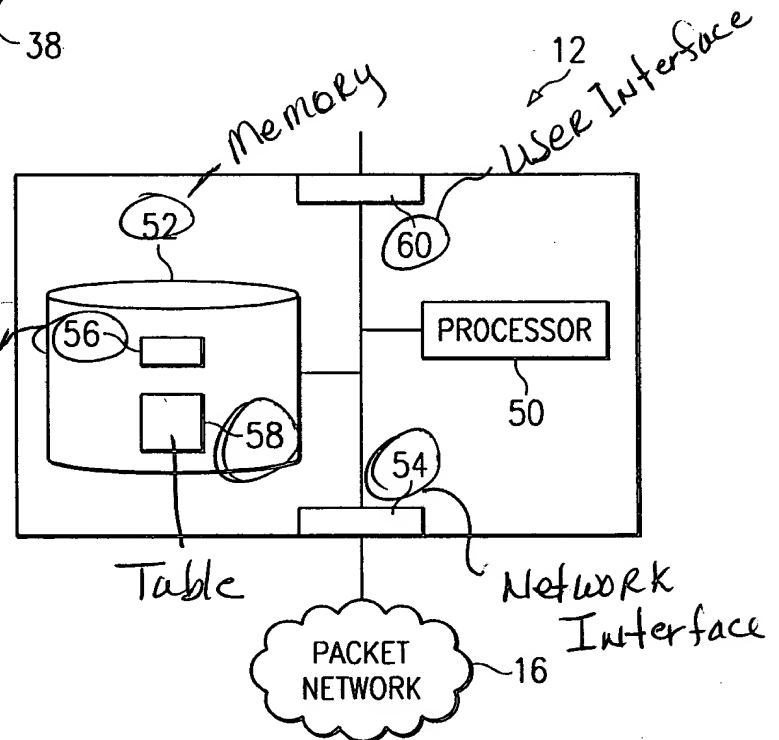


FIG. 2



74 ADDRESS	76 PRIORITY	78 CODEC CAPABILITIES	70
-	1	G.723	
transcode@cisco	2	G.723,G.729	
10.1.1.122	3	G.723,G.726	
10.1.1.121	4	G.723,G.726,G.729	
resource.net	2	GSM EFR	
⋮	⋮	⋮	
52.12.13.97	2	G.723,G.726	

FIG. 3

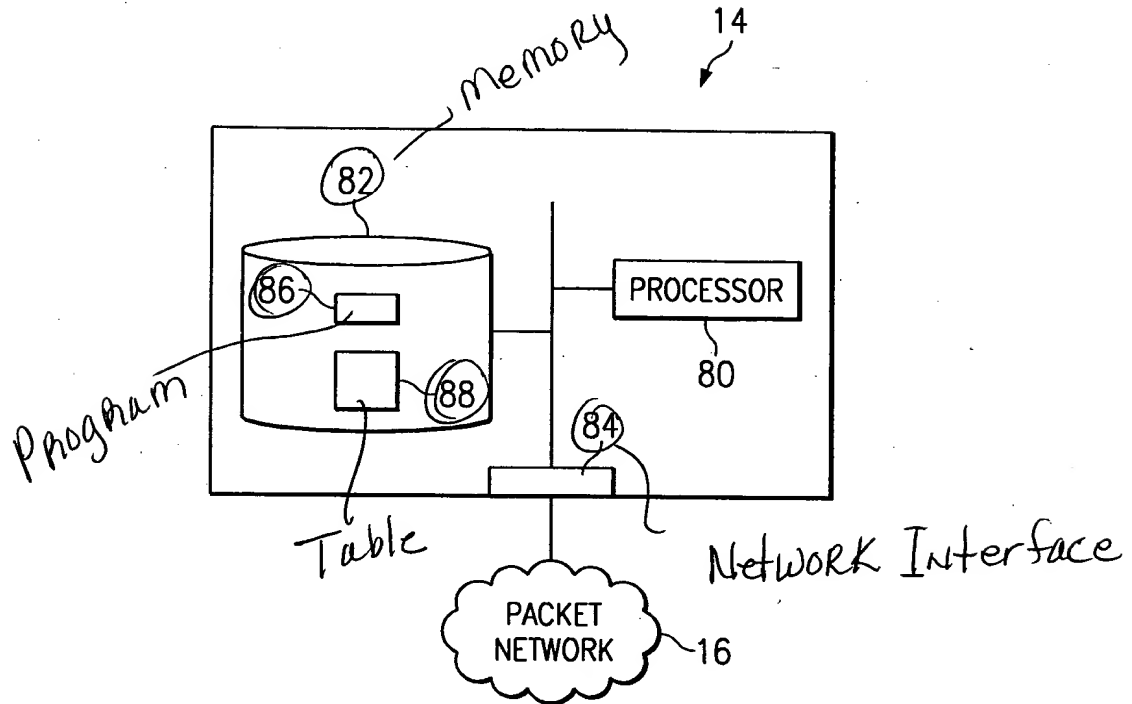


FIG. 4

88

90	92	94
SESSION ID	ENDPOINT ADDRESS	CODEC
17	12.1.1.137	G.723
19	5.2.3.80	G.723
19	5.2.3.81	G.729
22	mike@cisco	G.726
12	ssarkar@cisco	GSM EFR
12	12.1.1.193	G.723
12	8.12.37.126	G.726
⋮	⋮	⋮

96

98

100

FIG. 5